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Te Whare Wānanga o Waikato

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Submission on the *Fiji Kava Bill 2018*: Definitions of 'Kava' and 'Kava Products'

Na yacaqu o Aporosa, sucu i Niusiladi, vasu ni koro i Naduri, Macuata. Na noqu cakacaka na Duruvesi Bula ni Pasivika (Vuniwai Senior Lecturer in Pacific Health) ena University ni Waikato.

I, Dr S. 'Apo' Aporosa, am a kava health researcher based at Te Wānanga Waiora Division, University of Waikato, Aotearoa New Zealand. My work is funded by the New Zealand Health Research Council Pacific in which I investigate the effects of yaqona – as used in traditional settings – on cognition, driver safety, health, productivity and trauma. In this role I advise the Aotearoa New Zealand Minister of Food Standards on kava safety to ensure yaqona's ongoing regulation as a food, with this contributing to Pacific kava farmer livelihoods and export earnings. I am also a member of the Pacific Island Standards Committee (PISC) Technical Committee (TC) 3 Kava Committee.

As a researcher, I lead a team of almost 50 part-time kava researchers across three countries who include indigenous Pacific knowledge holders, toxicologists, pharmacologists, neuroscientists, psychologists etc. Our team has produced over 30 peer reviewed publications (of which two are books) and several technical reports focused on kava and its association with health, cognition and socio-cultural use. One of those papers,[1] published in 2019 in the triple peer reviewed *Journal of Drug Science, Policy and Law*, is a literature review on kava and health. This is written for health professionals and policy makers and addresses several common misunderstandings about kava (as used in traditional settings) and its impacts on health.

Our current work looks at the use of yaqona, talanoa and veiyaloni – 'kava' – in reducing Post-Traumatic Stress Disorder (PTSD) in combat soldiers, police etc. That work is supported by Lieutenant Colonel Taitusi Saukuru and Fijians in the British Army. We have published preliminary findings from this work in the journal *Frontiers in Psychology*,[2] and are currently doing clinical trials to support those findings. This work makes clear evidence supported statements on what is meant by the term kava together with kava's safety profile when used as kava in accordance with traditional practice. We believe our work is already demonstrating the superiority of yaqona/kava as a treatment for PTSD in comparison to addictive and (occasionally) dangerous drug therapies routinely used in the treatment of trauma. It is anticipated this work will also aid Pacific export earnings. Associate Professor Matthew Tomlinson (turaga ta mai Tavuki) from the Australian National University stated, "Dr Aporosa must now be considered the world's leading researcher on the social use of kava (*Piper methysticum*)"[3].

I have been consuming yaqona for over thirty years, have farmed kava while living and working in Kadavu, work as a teacher at Richmond Methodist High School, and actively engage with the Pacific diasporic kava using communities in several countries. I have no financial interests in the kava industry. I make these comments for reason of transparency and to demonstrate my yagona/kava knowledge beyond simply the theoretical/research space.

Supported by this work and knowledge, I hereby make submission to the *Fiji Kava Bill 2018 (BILL NO. 24 OF 2016)*. Statements within the submission are supported by academic citations in Endnote format.

'Kava' as defined in the *Bill*

The current draft definition of **'kava'** within the *Fiji Kava Bill* – framing it as "the whole plants or parts (roots or stems) of the *Piper methysticum* species… whether in dried or fresh form" – is inadequate. That definition reduces kava to a botanical commodity and fails to reflect its established meaning within Pacific traditional knowledge systems. As such, it is incomplete, misrepresentative, and does not meet evidence-based standards necessary for an *Act of Parliament*.

Kava, across Pacific cultures, is not simply a plant or a beverage. It is a holistic cultural system encompassing the *Piper methysticum* plant and drink, but also the protocols of preparation and consumption inclusive of ibe, tanoa, bilo, seating arrangements and serving order, the relational space of talanoa-vā/veiyaloni, and our cultural values of vakaturaga, faka'apa'apa, fa'asamoa, pono etc. It is recognised by Pacific knowledge holders as a sacrament, a conduit of social and spiritual connection, [4] and in Fiji – *wainivanua*: an *ingestible manifestation of the vanua*.[5] That recognition is reflected in the *Kava Policy and Bill Consultation* brochure (vosa vakaViti)[6] which recognises "Na yaqona e sega wale ga ni dua na i tei, e tiki ni noda i tovo vakavanua, bula kei na bula vakailavo ni matanitu" (Kava is not just a crop; it's part of our culture, livelihood, and national economy).

Internationally, such understandings align with the concept of a "cultural keystone species"- a plant or animal central to cultural identity, practice, and continuity.[7] To define kava solely in botanical or material terms disregards this established body of traditional knowledge and undermines indigenous authority over its meaning and regulation.

Any legislative definition that excludes this foundation, limiting yaqona/kava simply to a plant and/or beverage, not only misrepresents kava but also risks compromising indigenous sovereignty and the integrity of regulatory frameworks such as the *United Nations Declaration on the Rights of Indigenous Peoples*, *Nagoya Protocol* etc.[8]

'Kava products' as defined in the *Bill*

In addition to kava being misrepresented in the *Bill* is the definition of 'kava products' – broadly defined as any "product … [that] includes extracts of kava for beverage, pharmaceutical or dietary purposes". This creates a problematic conflation. These products, while derived from *Piper methysticum*, are fundamentally different from kava as understood within Pacific cultural and evidence-based contexts. In short, 'kava products' such as commodified nutraceuticals, extracts, shots, pop-culture beverages, gummies etc. are not kava.[9]

Evidence demonstrates that traditional kava is widely recognised as low risk.[10] In contrast, many so-called 'kava products' are chemically altered, highly concentrated, or combined with other substances, and are associated with increased health risks, including liver toxicity.[11] The recent *Drug and Alcohol Review* findings from the *Australian Kava Pilot Program* acknowledges the health risk differences between kava and 'product's', stating that "risks more often associated with non-traditional or adulterated preparations".[12]

The use of the term 'kava' to describe such products creates a dangerous category error. It misleads consumers into assuming those products have equivalence in safety and cultural authenticity, when in fact these products often bear no resemblance to traditional kava. Additionally, advertising a 'product' as kava when it is not, potentially counters the *Fiji Commerce & Consumer Commission Act 2010*, *Part 7 of the Consumer Protection and Unfair Practices section 75(1)* which prohibits "misleading or deceptive" practice.[13]

The misrepresentation of 'kava products' as kava also contributes to widespread misinformation,[14] including inaccurate research findings where non-traditional extracts are used but attributed to 'kava' more broadly. For example, most clinical trials on kava (with the exception of the work our team have, and are, doing) used tablets or extracts – some with concerning safety profiles – not kava. Most studies that used those products then generalised their findings to 'kava users'. To reiterate, there are thousands of peer-reviewed studies making claims about what 'kava' does in the body and brain, yet virtually none used kava; they used 'products containing *Piper methysticum*' extracts, tablets etc.[15] Some of those studies have inappropriately attributed health concerns to kava users. This provides insights into why there a great deal of published research that make concerning health claims about kava that simply does not exist; it is because they used products they inaccurately described as kava, that were not.

By making a clear distinction between kava and products in the *Kava Bill* and particularly creating an alternative term that does **not** include the word 'kava' – will not only limit confusion but also contribute to research rigor – "Vakadidike kei na veika vovou" (research and [appropriate] innovation) to cite the *Kava Policy and Bill Consultation* brochure.[16]

From a regulatory perspective, the conflation of kava with 'products' – inferring they are the same – undermines the very objectives of the *Bill* - namely, to "vakarusai tani na veika eso ena vakavuna na rogorogo ca ni bisinisi" (as it states in the *Kava Policy and Bill Consultation brochure* – 'eliminate activities that may cause damage to the reputation of the industry'). Without a clear and culturally grounded definition of kava, it becomes impossible to regulate effectively, distinguish risk profiles, or maintain research integrity.

Additionally, the continued use of 'kava' as an umbrella term for 'products containing *Piper methysticum*' exposes the industry to significant reputational and economic risk. It enables the appropriation of kava's safe and culturally grounded identity by higher-risk, commodified products. This has already led to international confusion, where harmful substances – including combinations with addictive drugs such as kratom – are marketed as 'kava,' resulting in negative media reporting and public health concerns being wrongly attributed to kava itself.[17]

Such developments represent a '*slippery slope*' that threatens not only consumer safety but also the livelihoods of Pacific kava farmers and exporters. Misrepresentation increases the likelihood of regulatory backlash, including the potential for renewed kava bans in international markets. Th Prime Minister of Fiji has acknowledged that risk:

> Mr Rabuka said the Pacific has already experienced economic fallout from the manipulation and adulteration of safe kava in the early 2000s through the European Kava Ban. "This latest form of kava adulteration (with substances like kratom) and I would also suggest the growing of kava outside of the Pacific, has the potential to initiate a second ban," he said.[18]

This submission is not suggesting we abandon the priority of **Market Development** via expansion "into health-related beverages and grow market opportunities" (Na kena veisautaki na veika e

vakayagataki kina na yaqona kina so na gunu e vakabulabulataka na yagoda ka yaga kina noda bula[19]). Rather it is **strongly recommending the word 'kava' is not used in association with products that do not align with the definition of kava.** Instead, alternative terminology should be adopted to clearly distinguish these substances and prevent consumer deception.

In conclusion, the current definitions within the draft *Fiji Kava Bill* fails to reflect the full cultural, social, and evidence-based reality of kava. By reducing kava to a plant and permitting the broad use of 'kava' to describe fundamentally different and potentially higher-risk products, the *Bill* risks undermining its own objectives of safety, authenticity, and market integrity.

Failing to clearly distinguish kava from 'products containing *Piper methysticum*' creates a pathway for ongoing misrepresentation, misinformation, and the dangerous conflation of kava with harmful or addictive substances. This not only endangers public health but also threatens kava's global reputation and the economic stability of Pacific communities who depend on it.

A culturally grounded, evidence-based definition of kava, paired with strict limitations on the use of the term, is essential. Without this, the legislation risks enabling the very conditions that could lead to the erosion of kava's integrity and the re-emergence of international restrictions on its trade.

'Products containing *Piper methysticum*' are not the future of kava; they are its greatest risk.

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Note: Please see supporting publications and other material over

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